



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/364
26 January 1999

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

DOCUMENTS SUBMITTED IN COMPLIANCE WITH A REQUEST OF THE COMMITTEE
UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION*

Yugoslavia*

[21 January 1999]

* The present document contains additional information pursuant to a request of the Committee in decision 3 (53), adopted on 17 August 1998 (A/53/18, para. 22).

Information on the current situation in Kosovo and Metohija and efforts and measures for establishing a meaningful dialogue with the political representatives of the Albanian national minority with a view to reaching a political settlement

Introduction

1. Following the request made by the United Nations Committee on the Elimination of Racial Discrimination at its fifty-third session, the Government of FR Yugoslavia hereby submits the following information:

I. GENERAL PROVISIONS

2. The issues concerning FR Yugoslavia's general political structure have been dealt with in the core document (HRI/CORE/1/Add.40) dated 22 July 1994 and the issues concerning the rights and liberties of the members of national minorities in FR Yugoslavia have been addressed in the previous report of the Government of FRY on the application of the Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/299/Add.17) dated 31 July 1997.

3. FR Yugoslavia is a multiethnic, multilingual and multiconfessional country. Members of 26 different national minorities and ethnic groups live in the territory of FR Yugoslavia.

II. CONSTITUTIONAL AND LEGAL ARRANGEMENTS

4. In accordance with international standards, the constitutional system in FR Yugoslavia contains a complete corps of human rights and liberties. Thus, the FRY Constitution devotes one third of its text to the rights, liberties and duties of man and the citizen (sect. II, arts. 19-68). Constitutional rights and freedoms can only be exercised by a person having a citizen's status, i.e. they are equal for all FRY citizens regardless of their national background.

5. The area of protection of rights and freedoms of members of national minorities and ethnic groups in the legal system of FR Yugoslavia is for the most part regulated by the Constitution of FR Yugoslavia and the constitutions of the member republics. Members of national minorities are guaranteed all civil, political, economic, social and cultural rights in the broadest possible sense, without restrictions and discrimination.

6. Apart from the provisions on general rights and liberties of man and the citizen, the FRY Constitution also contains provisions directly regulating a wide range of rights and freedoms of members of national minorities and ethnic groups, namely: equality on the basis of national origin; the right to preservation, development and expression of ethnic, cultural, linguistic and other specificities; the right to the use of national symbols; the right to the official use of the language and script in parallel with the Serbian language in areas inhabited by members of national minorities; freedom of expression of national origin, which is not necessary if the citizen refuses to declare his nationality, and the freedom of expression of national culture; the right of use of one's language and script and the right to an interpreter before a court of law, another public body or organization; the right to

education in one's own language; the right to public information in one's own language; the right to establish educational and cultural organizations and associations; the right to establish and maintain unhindered relations in FRY and abroad with one's co-nationals in other States; the right to participate in international non-governmental organizations but not to the detriment of FRY or a member republic. In order to protect members of national minorities the FRY Constitution prohibits and envisages punishment for any attempt at fomenting national hatred or intolerance.

7. The area of protection of minority rights and freedoms is regulated in more detail by federal and republican laws in the following fields: substantive and procedural criminal and civil law, labour law, administrative procedure, political organization and association of citizens, public information, education, official use of languages and scripts, etc. As a result of these regulations, the rights and freedoms of members of national minorities in FRY are regulated in accordance with the highest international standards, enshrined in international documents, and particularly in the Council of Europe's Framework Convention on the Protection of National Minorities. On 3 December 1998 the FRY Assembly adopted a law whereby it ratified the Framework Convention on the Protection of National Minorities. It has thus once again expressed FRY's adherence to the principles set out in the Framework Convention and confirmed the fact that the relevant regulations in FRY are in harmony with this Convention. We wish to point out that FRY is not a member of the Council of Europe, nor has it been invited to accede to the Framework Convention, and that about half of the member States of the Council of Europe have still not ratified this Convention.

III. IMPLEMENTATION OF REGULATIONS

8. The area inhabited by the largest number of members of different national or ethnic communities in FR Yugoslavia is the Autonomous Province of Vojvodina. Apart from Serbs and Montenegrins, the Province is inhabited by members of the following national or ethnic communities: Hungarians, Romanians, Ruthenians, Slovaks, Ukrainians, Romanies, Croats, Bunyevtsi, etc. AP Kosovo and Metohija is inhabited, apart from Serbs and Montenegrins, by a smaller number of national or ethnic communities than AP Vojvodina, namely by Albanians, Turks, Romanies, Goranci, Egyptians, Muslims, etc. The area of what is known as Central Serbia is inhabited, apart from Serbs and Montenegrins, by members of other national communities: Bulgarians, Romanians, Albanians, Romanies, etc. The Republic of Montenegro is inhabited by Montenegrins, Serbs, Albanians, Muslims, etc.

9. AP Kosovo and Metohija and AP Vojvodina are inseparable parts of the Republic of Serbia. The members of all national communities living in the territory of AP Kosovo and Metohija, as well as across FR Yugoslavia, enjoy equal treatment in the exercise of their constitutional and legal rights and liberties. We wish here to point to only a few data concerning the practical implementation of these rights and freedoms and how this implementation is hindered by Albanian separatists and terrorists in Kosovo and Metohija.

10. **Freedom of movement.** From 1-30 November 1998 453,699 travel documents (passports) were issued in the Republic of Serbia, of which number 100,418 (22.1 per cent) were issued to citizens of Kosovo and Metohija. Most citizens

from Kosovo and Metohija who obtained a passport belong to the Albanian national minority. Only 13 passport and visa applications have been rejected (0.01 per cent). This means that members of the Albanian national minority are in no way discriminated regarding the exercise of their right to a passport or a visa, nor are they treated differently when crossing the State border.

11. **Official use of languages and scripts.** Members of national minorities use their respective languages and scripts or use the services of an interpreter in all procedures before a court of law, administrative agency or other government body and organization performing public duties.

12. **Education.** In accordance with constitutional and legal arrangements, instruction in a minority language is organized in areas where there are legal conditions for appropriate education of members of national minorities and bilingual instruction may be organized in heterogeneous communities. Hence, instruction for national minorities in the Republic of Serbia is organized in three manners: (a) in their mother tongue; (b) bilingually and (c) in the Serbian language with classes in the mother tongue with elements of national culture. All these forms of education are provided at special schools or in special classes (when the number of pupils is insufficient and when there do not exist the required pedagogical conditions for the conduct of instruction and an effective educational process). Classes for the members of national minorities in Kosovo and Metohija are provided in Albanian and Turkish.

13. Instruction in the Turkish language as mother tongue is conducted on a regular basis throughout the territory of Kosovo and Metohija. In the school year 1998/99 classes in Turkish as their mother tongue were attended by 1,951 pupils at 11 elementary schools and 370 pupils attended classes in Turkish at 5 secondary schools. At the Faculty of Philology in Pristina there are Departments for Turkish Language and Literature and Albanian Language and Literature. These Departments provide education for would-be secondary school teachers of the Albanian and Turkish languages. This school year these Departments envisaged 20 places for enrolment in the first year for study of the Turkish language and literature and 30 places for the study of Albanian language and literature.

14. Members of the Albanian national minority in Kosovo and Metohija abandoned the regular State education system of their own free will. However, even after that, State-run elementary and secondary schools were not closed but continued to work and the educational process in Albanian (following unverified parallel programmes) continued and is still going on in the existing facilities belonging to the State. Throughout this time the Republic of Serbia has set aside financial resources to cover the recurrent costs of elementary and secondary schools including the salaries of the teaching staff.

15. After the matter was politically settled, several schools in the Djakovica region in Kosovo and Metohija were included in the educational system of the Republic of Serbia in the course of 1998. At the same time, in other parts of the Republic of Serbia, pupils members of the Albanian national minority have been regularly attending elementary and secondary school classes in Albanian because they have not been under pressure from the Albanian separatists from Kosovo and Metohija. Thus, for instance, in the territory of

Serbia (municipalities of Bujanovac, Presevo and Medvedja) 9,344 Albanian pupils attend classes in Albanian in 60 elementary schools or classes and 1,190 attend three secondary schools in Albanian.

16. **Public Information.** In accordance with the constitutional principle of freedom of public information, over 160 dailies, weeklies and periodicals come out in FR Yugoslavia in minority languages. In Kosovo and Metohija 65 papers and magazines come out in the Albanian language with a total annual circulation of some 2.5 million copies. These publications in Kosovo and Metohija openly advocate separatism, instigate hatred and intolerance for the Serbian people and members of other national communities and call for terrorism. Of the mentioned 65 papers and magazines in Albanian only 28 have been registered with the Ministry of Information of the Republic of Serbia in accordance with the law, while the remaining 37 have not, which is indicative of the evident refusal to recognize the Republic of Serbia and its legal system.

17. There are daily informative and other broadcasts in Albanian on the state-run television and radio stations. For example, Radio-Television Pristina broadcasts programmes in Serbian, Albanian, Turkish and Romany. Radio Pristina broadcasts 16.5 hours of programming in Albanian every day, whereas TV Pristina broadcasts 70 minutes.

18. Albanian separatists from Kosovo and Metohija abuse the freedom of public information by promoting inter-ethnic hatred and by calling for the overthrow of the constitutional order. They make it impossible for the journalists who refuse to support them to work on the ground and abduct them.

19. **Health care.** Health care in Kosovo and Metohija is provided to all citizens under equal terms and conditions, regardless of their national background or religious affiliation. In the course of 1998, members of the Albanian national minority accounted for 60 per cent of users of out-patient services and 80 per cent of in-patient services in health centres throughout Kosovo and Metohija. Until the summer months of 1998, i.e. prior to the most fierce terrorist actions, they accounted for some 70 per cent of all employees in the health sector. Under pressure from Albanian separatists and terrorists, the share of members of the Albanian national minority in the total number of employees in the health sector declined to 50 per cent.

20. In order to provide health care to the entire population, 20 State-run health institutions have been established in Kosovo and Metohija. Members of the Albanian national minority are also free to use the services of all health centres throughout Serbia, including the clinical centres and specialized institutions in Belgrade.

21. **Child care.** The system of child care in the Republic of Serbia covered 837,426 users in 1998, of whom 79,161 were from Kosovo and Metohija. Following is an overview of the number of users by type of right:

(a) Salary compensation to mothers - a total of 32,907 in the Republic of Serbia and 3,650 in Kosovo and Metohija, of whom 823 were members of the Albanian national minority;

(b) Maternity benefit - a total of 41,788 in the Republic of Serbia and 7,044 in Kosovo and Metohija, of whom 4,626 were members of the Albanian national minority;

(c) Newborn outfitting allowance - a total of 7,362 in the Republic of Serbia and 2,243 in Kosovo and Metohija, of whom 1,384 were members of the Albanian national minority;

(d) Child benefit - a total of 676,434 in the Republic of Serbia and 64,878 in Kosovo and Metohija, of whom 34,427 were members of the Albanian national minority;

(e) Day care at a pre-school institution - a total of 182,000 in the Republic of Serbia and 7,199 in Kosovo and Metohija, of whom 2,189 were members of the Albanian national minority.

22. The Republic of Serbia has been investing major resources to meet the above needs.

23. The social child care as well as total family care is provided through the mediation of social work centres. There are 24 social work centres in Kosovo and Metohija, of which 20 are municipal and 4 are inter-municipal. These centres have 300 employees, 54 per cent of whom are Serbs and Montenegrins, while 46 per cent are members of Albanian and Turkish national minorities.

24. **Religion.** The freedom of belief, public or private confession of a faith and performance of religious rites is guaranteed by the FRY Constitution. However, the exercise of this freedom is aggravated because of the actions of Albanian separatists and terrorists in Kosovo and Metohija. They have set as their target first of all Serbian Orthodox clergy and religious facilities, but also Albanians of the Catholic faith as well as members of other national minorities of the Muslim faith. Further to this, Albanian terrorists have on a number of occasions abused Muslim religious facilities (mosques), using them as sniper and machine-gun nests (in the villages of Junik and Hamidije).

IV. SEPARATIST-TERRORIST ACTIONS AND EFFORTS BY THE STATE AUTHORITIES TO COMBAT THEM

25. If one looks at the exercise of the constitutional and legal rights and freedoms of persons belonging to the Albanian national minority in Kosovo and Metohija, one will see that a number of them do not wish to make use of these rights and freedoms. These persons are engaged in the separatist movement whose objective is the creation of an ethnically pure Kosovo, its secession from the Republic of Serbia and annexation to the Republic of Albania. This is a fascist movement as seen from its publicly proclaimed goal - an ethnically pure State or the so-called "Greater Albania". In order to reach this goal, members of this separatist movement resort to killing, kidnapping, expulsion, rape, destruction of property and different forms of terrorist activities, thus flagrantly violating the provisions of the Convention on the Elimination of All Forms of Racial Discrimination.

26. Thus, for instance, of a total of 1,413 villages in Kosovo and Metohija some 700 have been ethnically cleansed in separatist and terrorist actions and pressures in the past few years, and in 1998 alone the Serbs and Montenegrins were totally expelled from 87 villages.

27. Most Albanians in Kosovo and Metohija do not support the above activities, but do not either make use of their rights and liberties for fear of repression on the part of Albanian separatists and terrorists. This is attested to by the fact that more than half of the victims of terrorists in Kosovo and Metohija are persons belonging to the Albanian national minority, whose only "sin" was the fact that they did not actively violate law and order, had a correct attitude towards the Republic of Serbia and publicly advocated peaceful coexistence and equality of all citizens in the province, regardless of their national background or political or other affiliation.

28. Claims that the rights of members of the Albanian national minority are allegedly violated are totally groundless and their only objective is to encourage and achieve secession. In this context, attempts to equate terrorism and legitimate action by the police to curb it and protect citizens from terror are impermissible.

29. Human rights were violated in Kosovo and Metohija exclusively by Albanian separatists and terrorist gangs. In the period from 1991 to 31 December 1998 they committed a total of 2,018 terrorist actions killing 327 persons (199 civilians and 128 policemen). Albanian terrorism escalated in 1998 when from 1 January to 31 December 1998 1,884 actions were committed in which 288 persons were killed and 561 were wounded. 173 persons were killed, of whom 46 were Serbs and Montenegrins, 77 Albanians, 6 Romanies, 2 Muslims and 42 so far unidentified persons as well as 115 policemen.

30. In the period from 1 January to 31 December 1998, Albanian terrorists abducted a total of 292 citizens, of whom 173 were Serbs and Montenegrins, 100 Albanians, 14 Romanies, 1 citizen of the FYR Macedonia, 1 Muslim and 1 Bulgarian and 2 persons of other nationalities. Among the abducted there were 52 women and 14 minors including 6 children. Of the total number of abducted persons, 31 were killed, 110 were released, 9 escaped, while the fate of 142 citizens remains unknown. Also abducted were 15 policemen of whom 3 were killed and 3 were released while the fate of the remaining 9 is still unknown.

31. In addition to the killed, we should also mention the discovered bodies of abducted Serbian civilians in mass graves. On 27 August 1998 the police found a crematorium and a lime-kiln in the village Klecka (municipality of Lipijan) where Albanian terrorists, after having shot down 22 abducted Serb civilians, burnt their bodies. The captured terrorists (brothers Ljuran and Bekim Mazreku) gave detailed accounts and admitted to having committed all the mentioned crimes in the village Klecka. On 8 August 1998 34 unknown bodies, whose identification is under way, were discovered in the canals and around Radonjica Lake at Glodjani (municipality of Decane) where the headquarters of the so-called Kosovo Liberation Army (KLA) were located. On 3 October 1998 five unidentified bodies, whose identification is under way, were discovered in an abandoned mine pit at Volujak (municipality of Klina).

32. In the mentioned actions terrorists killed civilians, women, children and the elderly, on plots of land, in yards around their homes, in vehicles. Murders were committed in a cruel and ruthless manner, often in front of families or villagers, the prime objective being to intimidate the population.

33. The target of Albanian terrorists was not only the local population, regardless of their national origin and religious affiliation, but also the clergy (they kidnapped 7 monks and 1 nun as well as 27 elderly Serbs and Montenegrins from St. Cusmas and Damian's from the village of Zociste), journalists (in the period from 1 January 1998 to 31 December 1998 there were 14 attacks on journalists, 5 persons were kidnapped, mostly of Serbian nationality, and the fate of 3 persons remains unknown), persons belonging to humanitarian organizations (attack on 7 vehicles of the European Community Humanitarian Office (ECHO) in the village of Mokrmak on 26 March 1998, on two vehicles of the Red Cross in the village of Prilep on 1 July 1998 and the humanitarian organization Medecins sans frontieres in the village of Lodja on 23 July 1998) and diplomatic representatives (attack on the attaché of the embassy of Japan in FRY on 27 April 1998 in the village of Lausha; on members of the diplomatic observer missions from the United States and Russia on 3 September 1998 in the village of Pagarusa; on members of the Diplomatic Observer Mission of Canada on 14 September 1998, in the village of Likovac; and on the building of the American Information Center in Pristina on 26 August 1998).

34. Special attention should be given to the abuse of children for political purposes by Albanian separatists, a phenomenon which other expert United Nations bodies should look into as well. In particular, separatists organized so-called "children's demonstrations" (June 1998 in Pristina) at which children carried banners and shouted slogans calling for intolerance, hatred and terrorism. Albanian separatists bear heavy responsibility for denying children of Albanian national minority the right to education for political reasons. Likewise, Albanian separatist in the course of 1998 abused children on a number of occasions making them illegally carry weaponry across the State border with the Republic of Albania which was established beyond any doubt after their arrest, disarmament, identification and interrogation.

35. In the course of 1998 Albanian terrorists often resorted to forced mobilization of members of the Albanian national minority whom they forcibly armed and ordered to take part in terrorist actions. The main elements for the fulfilment of the objectives of the Albanian separatist movement include intimidation, coercion and retaliation. In addition to this, they have found ways and means to limit the freedom of movement of forcibly mobilized persons. They do it by blackmailing them in different ways: they take away their identification cards, travel documents, health insurance cards and other documents on the basis of which they can be identified, move freely and exercise other rights and freedoms.

36. Albanian terrorists also choose a variety of objects as their target. On a number of occasions they have launched armed attacks and shelled schools and child care facilities (elementary school in Stimlje on 12 January 1998; secondary school in Srbica on 19 and 27 April 1998; secondary school dormitory in Prizren on 22 May 1998; elementary school "Kosta Vujanovic" in Podujevo on 25 September 1998). In early 1998 the refugee community of Babaloc was

exposed to daily attacks and shelling. Albanian terrorists attacked health workers and health institutions seven times (public health centres in Decani, Kosovska Mitrovica, Srbica and Orahovac, the medical team of the Ministry of Health of the Republic of Serbia in the village of Smonica, the vehicle of the health centre of Klina and the private specialist medical practice "Internist"). Terrorist gangs of Albanian separatists carried out several attacks on religious buildings and cultural monuments (Serbian Orthodox nunnery at Devic, the Serbian monastery of St. Cusmas and Damian in Zociste, the Orthodox Church in Opetusa). Further, Albanian terrorists carried out several attacks on water supply facilities and power transformer stations, post and telephone facilities and lines (Pec, Decani, Djakovica, Orahovac, Istok, etc.), large enterprises (the open pit Belacevac, DD TREPCA in Stari Trg, ORVIN in Orahovac, etc.) as well as a large number of houses and privately owned facilities. The material damage inflicted so far has been estimated at several million dollars.

37. The Republic of Albania has extended considerable logistical support and assistance to terrorists in Kosovo and Metohija. Camps and bases in northern Albania (Bajram Curi, Tropoja, Krum, Kuks and Peskopeja) recruit, organize, arm and train terrorists. One of the main terrorist headquarters is located at Bajram Curi and is made up of former officers of the former Yugoslav People's Army and foreign mercenaries. FR Yugoslavia regularly informs the Special Rapporteur of the Commission on Human Rights for the use of mercenaries, the Special Rapporteur of the Commission on Human Rights for the former Yugoslavia, etc. of this.

38. There are a large number of members of Islamic and other international terrorist organizations in Albania and some of them have joined the Albanian terrorist units in Kosovo and Metohija. A mixed unit of mujaheddin was active in the area of Drenica recently. Its name was "Abu Bekir Sadik". There was as well a smaller group active in the area of Smonica. Some of its members were arrested and some fled to Albania. The terrorist organization from Kosovo and Metohija, the so-called Kosovo Liberation Army, has direct links with radical Islamic countries, from which it obtains funds for the purchase of arms and military equipment, with narco-mafia and organized international crime in general.

39. The authorities of the Republic of Albania not only fail to take the necessary measures, in accordance with their international obligations, to prevent the violation of the Yugoslav borders and the acts of violation of the territorial integrity and sovereignty of FRY from the territory of Albania, but openly encourage and instigate separatism and terrorism in Kosovo and Metohija, aiming at the creation of the so-called "Greater Albania" at the expense of the territories of neighbouring countries.

40. Terrorist activities of the so-called KLA are financed through contributions exacted and collected from some 800,000 Albanians from Kosovo and Metohija who are either employed abroad or receive social welfare as false asylum-seekers. All of them are bound to set aside 3 per cent of their earnings for the purpose. The so-called KLA is also financed through drug trafficking by the Albanian narco-mafia, prostitution, arms smuggling and other criminal activities. Bank accounts for supporting terrorist activity in Kosovo and Metohija exist in many banks worldwide and their numbers are

published in numerous media and on the Internet. World media occasionally report in detail about the channels for financing terrorism in Kosovo and Metohija which are closely connected with organized crime (narcotics, money laundering, prostitution, procurement of illegal travel documents and visas, etc.). The money thus obtained is for the most part used for the purchase of weaponry and terrorist equipment and the financing of pro-Albanian lobbies in political circles and media in certain countries. Considerable amounts end up in secret private accounts of Kosmet separatist and terrorist leaders in European and other banks.

41. From 1 January to 30 November 1998 the Yugoslav Army border guards prevented 2,646 illegal border crossings between FR Yugoslavia and the Republic of Albania. Fourteen guards were murdered and 29 were wounded in 95 grave incidents with the terrorists. In the course of 1998 some 26,000 pieces of weaponry smuggled into Yugoslavia from Albania were taken away from Albanian terrorists.

42. The Government of FR Yugoslavia points out that it is of the utmost importance that the international community, and all countries individually, in accordance with the relevant Security Council resolutions, condemn clearly and resolutely terrorist attacks, provocations, killings and kidnappings and vigorously halt the inflow of money, weaponry and equipment which continue to arrive for the terrorists from abroad, making it possible for them to commit crimes. Without a resolute condemnation and adequate measures, separatists and terrorists will continue to attack the innocent population of all nationalities, which the State will not allow at any cost. The objective of the terrorists and separatists is not any political settlement, least of all a democratic one which would be in line with European standards, but rather terror, violence and re-drawing of borders according to the Nazi-fascist scheme.

**V. EFFORTS AND MEASURES BY THE REPUBLIC OF SERBIA AND FR YUGOSLAVIA
FOR ESTABLISHING A MEANINGFUL DIALOGUE WITH THE POLITICAL
REPRESENTATIVES OF THE ALBANIAN NATIONAL MINORITY**

43. The Republic of Serbia has on a number of occasions offered a meaningful and constructive dialogue to the political representatives of the Albanian national community as well as to other national communities living in Kosovo and Metohija.

44. In 1998 the President of the Republic of Serbia, Milan Milutinovic, three times invited the political representatives of all national communities in Kosovo and Metohija to engage in a meaningful dialogue. Likewise, the Government of the Republic of Serbia invited them for talks 18 times. The delegation of the Government of the Republic of Serbia was led by Deputy Prime Minister Ratko Markovic. However, unlike the political representatives of other national communities in Kosovo and Metohija, the leaders of the Albanian separatist political parties have not accepted the invitation to talks on any single occasion and always made different "excuses".

45. The competent State bodies are studying the text of the draft agreement for Kosovo and Metohija prepared by United States Ambassador Christopher Hill.

46. The separatist Albanian political parties, the so-called Kosovo Liberation Army, as well as their leaders, do not wish to support dialogue as a method for resolving all pending issues. On the contrary, by their activities and statements they encourage violence, crimes and banditry, and kidnap and attack members of the police, of the Yugoslav Army and innocent civilians every day.

47. After the agreement was reached on 13 October 1998 between the President of FR Yugoslavia, Slobodan Milosevic, and the United States Special Envoy, Ambassador Richard Holbrooke, as well as after all the mentioned efforts and measures by the State authorities to engage in a meaningful dialogue, the remaining gangs of Albanian terrorists continued to carry out new terrorist actions and attacks, especially against civilians and police officers. Albanian terrorists carried out 137 terrorist actions until 31 October 1998, or more than the daily average in the previous period. At the same time, the police did not undertake any action except when directly attacked by the terrorists. It is a paradox that FR Yugoslavia is left alone in its struggle against this type of crime. Even the organizations that are completely depoliticized and specialized, like INTERPOL, fail to extend assistance to it in the current struggle against terrorists.

48. One of the most drastic examples of such terrorist actions was the ruthless and brutal killing of six young men, four of whom were minors, of Serbian and Montenegrin nationalities, who were peacefully sitting in one of the local cafes in Pec on 14 December 1998. This shows that terrorism continues to be the only answer by Albanian separatists and terrorists to the offered dialogue.

49. Kosovo and Metohija was, is and shall remain a consistent part of the Republic of Serbia. The problems which persist in Kosovo and Metohija are an internal issue which can be resolved only by agreement between the representatives of the national communities living in this province. The current problems cannot be overcome by any solutions imposed from outside.

50. FR Yugoslavia is an open country and is willing to cooperate with the international community and to find the most appropriate solution for Kosovo and Metohija. On 13 October 1998 the President of FR Yugoslavia, Slobodan Milosevic, fully agreed with Ambassador Holbrooke and the international community that the problems in Kosovo and Metohija should be resolved peacefully and by political means.

51. The main provisions of the agreement, contained in 11 points, are the following: a political approach and a peaceful resolution of problems; violence and terrorism as ways of solving problems are unacceptable; respect for FRY's territorial integrity and sovereignty; equality of all citizens and national communities; the future of Kosmet lies in peace, equality, integration, economic prosperity and a free and common life; the form of self-rule in Kosmet should be in conformity with the legal system of the Republic of Serbia and FR Yugoslavia as well as the relevant international standards; citizens of Kosmet have the right to exercise self-rule through legislative, executive and judicial bodies in Kosmet and will be given nine months to hold free and fair elections to be overseen by the Organization for Security and Cooperation in Europe; members of national communities will

enjoy additional rights in order to preserve and express their national, cultural, religious and linguistic identity but not to the detriment of other national communities and citizens; local police will be established under the control of the municipal authorities but the makeup of this police force will have to reflect the makeup of the local population; the police shall secure full protection for all citizens and national communities; no one shall be prosecuted by the State for crimes committed in connection with the clashes in Kosmet except for crimes against humanity and international law in chapter XVI of the Federal Criminal Law; foreign experts, including pathologists, will be granted full and unhindered access to Kosovo and Metohija; the competent authority will review the verdicts pronounced against members of national communities in Kosmet who were convicted for crimes motivated by political reasons, with a view to commuting their sentences. Likewise, the agreement establishes the time-frame for the elaboration and implementation of particular solutions.

52. The political representatives of the Albanian national minority from Kosovo and Metohija refused to accept the proposed meaningful dialogue and peaceful settlement of the problem which is one of the main principles of the Milosevic-Holbrooke agreement, although throughout the process there was constant dialogue between them and Ambassador Holbrooke.

53. With a view to reaching a peaceful, democratic and lasting solution to the existing problems in the Autonomous Province of Kosovo and Metohija, based on the equality of all citizens and national and ethnic communities, subject to respect for the sovereignty and territorial integrity of all States in the region, the Government of FR Yugoslavia and the OSCE reached an agreement on the OSCE Verification Mission in Kosovo and Metohija on 16 October 1998. The cooperation of State bodies with the OSCE Mission, as well as with international humanitarian organizations, is going on successfully. There have been regular and constructive contacts at all levels, guarantees of full security, freedom of movement and access. Federal Foreign Minister Zivadin Jovanovic informed OSCE Chairman-in-Office Bronislav Geremek of the consistent implementation of all provisions of the agreement by the Government of FR Yugoslavia and all State organs. Federal Minister Jovanovic's personal message, together with the memorandum on the implementation of the agreement on the OSCE Verification Mission in Kosovo and Metohija, were addressed to OSCE Chairman-in-Office Bronislav Geremek on 2 December 1998 at the time of the regular meeting of the OSCE Ministerial Council. The memorandum deals comprehensively with the facts about the current situation in Kosmet as well as the positions of FR Yugoslavia and the Republic of Serbia on the political settlement in this province.

54. The political settlement of the problem in Kosovo and Metohija was discussed in Pristina and Belgrade with the delegations of the People's Party in Kosovo the Kosovo Democratic Initiative, the representatives of the National Community of the Turks, the National Community of the Goranci, the National Community of the Muslims, the National Community of the Romanies, the National Community of the Egyptians, the representatives of the parliamentary parties from Kosovo and Metohija as well as with the representatives of the Socialist Party of Serbia and the representatives of the Serbian Radical Party and the Yugoslav Left. In addition, the President of the Republic of Serbia, Milan Milutinovic, held consultations for the same

purpose with the Presidents of the Serbian Renewal Movement, the New Democracy and the Alliance of Vojvodina Hungarians. The participants in all these talks and consultations supported fully the agreement between President Milosevic and Ambassador Holbrooke and particularly the political framework for the settlement of the problem in Kosmet set out in the 11 points by the Serbian Government. The result of all these discussions and consultations is the Joint Draft Agreement on the Political Frameworks of Self-Rule in Kosovo and Metohija dated 20 November 1998.

55. The Joint Draft Agreement elaborates and gives more details about the Milosevic-Holbrooke agreement. It lays down principles, the rights of citizens, additional rights of members of national communities, the organs of Kosovo and Metohija, the municipality as the main unit of local self-governance, representation of the citizens of Kosovo and Metohija in federal and republican bodies, the courts of law and local police, the financing of the bodies of Kosovo and Metohija, confidence-building measures, as well as the implementation of the agreement. The provisions on amendments as well as the final provisions form an integral part of the agreement.

56. The Joint Draft Agreement elaborates and guarantees the equality of all ethnic and national communities and all citizens in Kosmet. It further encompasses the highest international standards of human rights and the rights of members of national minorities as well as the standards of the Council of Europe Framework Convention on the Protection of National Minorities. The Joint Draft Agreement guarantees the ethnic, cultural, linguistic and religious identity of national minorities, without any discrimination; gives them freedom to foster their culture, language, faith and customs and equality before the law; guarantees autonomy and local self-rule and proportional representation of ethnic and national communities at all levels of democratically elected authorities, with respect for the sovereignty and territorial integrity of the Republic of Serbia and FR Yugoslavia.

57. The Joint Draft Agreement envisages democratic self-rule of citizens and national communities in Kosovo and Metohija which has the following characteristics: it is a democratic self-rule which to be exercised, because of its comprehensive nature, at several levels - territorial, functional, personal and ethnic; this is a self-rule based on the dual legitimacy of the bodies of Kosovo and Metohija - civil and ethnic. This document is based on the view that there is neither a minority nor a majority in Kosovo and Metohija, but that every recognized national community has the right, on the basis of its distinctive nature rather than the number of its members, to be an equitable protagonist of self-rule just like other national communities; this is a self-rule that is guaranteed by the self-governed bodies - the courts of national communities, the local police and the ombudsman; this is an effective and real self-rule because financial resources are secured for its effective functioning and a mechanism agreed upon in advance for its implementation; it is an authentic and participatory self-rule because the protagonists of this self-rule are to independently manage their self-government affairs and will be represented as such in all three branches of State power. This means that the State will not take part in the conduct of their affairs while they will take part in the conduct of State affairs.

58. At a meeting held in Pristina on 25 November 1998 the representatives of national communities and political parties - the People's Party of Kosovo, the Kosovo Democratic Initiative, the National Community of Turks, the National Community of Goranci, the National Community of Muslims, the National Community of Romanies and the National Community of Egyptians, together with the representatives of the parliamentary parties from Kosovo and Metohija and the representatives of the parties in the National Assembly of Serbia and the State Delegation, adopted the Declaration on the Joint Draft Agreement on the Political Frameworks of Self-Rule in Kosovo and Metohija. The signatories to the Declaration considered that the Joint Draft Agreement represents a fair and democratic political solution to the problems in Kosmet and confirmed their firm commitment to the implementation of the principles and solutions set out therein. They called on all other political parties in Kosovo and Metohija to join the Joint Draft Agreement as well as to communicate their objections and suggestions in order to help elaborate and implement it.

59. At the time when FR Yugoslavia and the Republic of Serbia are investing efforts and undertaking measures to establish a meaningful dialogue, the leaders of particular political parties of the Kosmet Albanians are refusing or delaying the dialogue, making various excuses while terrorists calling themselves the KLA are given time to commit new crimes, killings and kidnappings of innocent citizens and police officers. Throughout this time the measures and sanctions introduced against FR Yugoslavia and its citizens are maintained or even tightened in order to exhaust the country and its population economically and socially.

60. On the basis of and in accordance with their principled commitments set out in the Joint Draft Agreement and in line with the relevant international standards, the Governments of FR Yugoslavia and the Republic of Serbia have been assiduously working and urging for a peaceful and lasting solution in the Serbian Province of Kosovo and Metohija.

61. The integral parts of this information include:

- (a) The 11-point Milosevic-Holbrooke Agreement;
- (b) The Agreement on the OSCE Verification Mission in Kosovo and Metohija;
- (c) The Joint Draft Agreement on the Political Frameworks of Self-Rule in Kosovo and Metohija;
- (d) The Declaration.
